

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Christopher James Willette,

Debtor.

Chapter 7

BKY Case No. 21-41675-MER

**VERIFIED NOTICE OF HEARING
AND MOTION OBJECTING TO
CLAIMED EXEMPT PROPERTY**

TO: The United States Bankruptcy Court, the United States Trustee, the debtors, the debtor's attorney, and all parties who requested notice under Bankruptcy Rule 2002:

1. Julia A. Christians, Trustee herein, moves the Court for the relief requested below, and gives notice of hearing herewith.

2. The Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rule 5005, and Local Rule 1071-1. This motion is filed pursuant to Bankruptcy Rule 9014 and Local Rules 9013-1 through 9013-5. This proceeding arises under 11 U.S.C. § 522 and Local Rule 4003-1(a).

3. The Court will hold a hearing on this objection on **Wednesday, December 8, 2021, at 10:30 a.m.** in Courtroom No. 7 West, U.S. Courthouse, 300 South Fourth Street, Minneapolis, MN 55415, or as soon thereafter as counsel can be heard.

4. Any response to this motion must be filed and served not later than **Friday, December 3, 2021**, which is five days before the time set for the hearing (including Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

5. The undersigned trustee hereby objects to the debtor's claim that the following

property is exempt under the applicable exemption statute: real property located at 9500 College View Road, Unit 105, Bloomington, MN 55437, legally described as Unit 105, CIC No. 175, Marsh Park, a condominium located in Hennepin County, Minnesota (the “Real Property”).

6. The objection is made for the following reasons:

The debtor listed the Real Property at a value of \$317,000, subject to an encumbrance of \$256,121, and claimed the Real Property exempt to the extent of \$60,879, as his homestead pursuant to Minn. Stat. §§ 510.01, 510.02. Debtor Christopher J. Willette is not the owner of the Real Property. The Real Property is owned by a separate entity, Chris Willette, L.L.C. Chris Willette, L.L.C. is purchasing the Real Property from Slow Jewels, L.L.C. on a contract for deed recorded on or about May 5, 2021.

The homestead exemption is limited to a house that is occupied and owned by the debtor. Minn. Stat. § 510.01.

The debtor failed to list as an asset in his schedules his ownership interest in Chris Willette, L.L.C., only making reference to the entity in his Statement of Financial Affairs. The debtor confirmed in testimony that he holds the 100% membership interest in the entity. The debtor’s ownership interest in Chris Willette, L.L.C. constitutes property of the bankruptcy estate. The Real Property is an asset of the L.L.C. of which the bankruptcy estate now is the owner.

Since the debtor does not own the Real Property, nor own the rights as vendee under the contract for deed on the Real Property, the homestead exemption should be denied.

Dated: November 9, 2021

LAPP, LIBRA, STOEBNER & PUSCH,
CHARTERED

By /e/ Julia A. Christians
Julia A. Christians (#157867)

120 South Sixth Street #2500
Minneapolis, MN 55402
612/ 338-5815
Attorneys for the Trustee

VERIFICATION

Julia A. Christians, being duly sworn, says that she is the Chapter 7 trustee in this action, that she has read this Verified Notice and Objection to Claimed Exempt Property and that it is true of her own knowledge, to the best of her information.

/e/ Julia A. Christians
Julia A. Christians

UNITED STATES BANKRUPTCY COURT
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UNSWORN CERTIFICATE OF SERVICE

I, Sarah J. Gelhar, declare under penalty of perjury that on November 9, 2021, I mailed copies of the attached **Verified Notice of Hearing and Motion Objecting to Claimed Exempt Property and Order Sustaining Objection to Claim of Exemption** by first class mail postage prepaid to each entity named below at the address stated below for each entity:

Christopher J. Willette
9500 College View Road Unit 105
Bloomington, MN 55437

VIA ELECTRONIC FILING ONLY

- Julia A. Christians jchristians@lapplibra.com,
 lfrey@lapplibra.com;MN0A@ecfcbis.com;sgelhar@lapplibra.com
- Orin J. Kipp okipp@wgcmn.com,
 dkbenson@wgcmn.com;lfrancis@wgcmn.com;jockwig@wgcmn.com;dmckinnon@wgcmn.com
- US Trustee ustpreion12.mn.ecf@usdoj.gov
- Andrew C. Walker curtwalkerbky@gmail.com, notices@bankruptcytruth.com

Executed on: November 9, 2021

/e/ Sarah J. Gelhar
Sarah J. Gelhar, Legal Assistant
Lapp, Libra, Stoeber & Pusch, Chartered
120 South Sixth Street, Suite 2500
Minneapolis, MN 55402
612/338-5815

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ORDER SUSTAINING OBJECTION TO CLAIM OF EXEMPTION

This matter is before the Court on the objection of the trustee to the debtor's claim that the following property is exempt under Minn. Stat. §§ 510.01, 510.02: real property located at 9500 College View Road, Unit 105, Bloomington, MN 55437, legally described as Unit 105, CIC No. 175, Marsh Park, a condominium located in Hennepin County, Minnesota.

Based on the motion and the file,

IT IS ORDERED,

The debtor's claim of exemption in real property located at 9500 College View Road, Unit 105, Bloomington, MN 55437, legally described as Unit 105, CIC No. 175, Marsh Park, a condominium located in Hennepin County, Minnesota, is denied.

Dated: _____

Michael E. Ridgway
Chief United States Bankruptcy Judge